IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.420 OF 1997.

Shri Anup Rajndra Singh
Khamkar & ors. : Appellants.

versus

Division Controler,
MSRT Corporation, Thane : Respondent.

Mr.T.J.Mendon for the appellants.
Mr.Lokesh i/by Mr.G.S.Hegde for the respondent.

CORAM : D.G.DESHPANDE,J.

DATED : 28th February 2005.

ORAL ORDER

1. Heard advocates for the appellants and the respondent. This appeal is filed by the appellants who are the original claimants for enhancement of compensation from Rs.1,80,000/- that was awarded by the tribunal. The claimants lost their father. The mother had already

pre-deceased the father. Claimant No.1 was 18 years old. He was the son and two claimants were minor daughters aged about 13 years and 10 years respectively at the time of application. Salary of deceased was Rs.3000/- per months. The tribunal accepted Rs.2000/- per month as dependency, but adopted multiplier of 7 only. It is this part of the order which is challenged in the present appeal.

2. Counsel for the respondent strenuously urged that multiplier has been properly adopted by the tribunal looking to the age of the deceased father as 40 years. He, therefore, contended that no interference is required for.

3. I do not find any substance in this submission. The children/claimants were aged about 18, 13 and 10 years respectively on the date of the application and, the deceased-father's age was 40 years and the claimant Nos. 2 and 3 were minors and unmarried and, though the dependency factor was properly taken at Rs.2000/-. But the application of multiplier of 7 was improper. In the circumstances and looking to the age of victim

multiplier of 14 would have been proper. Therefore, the amount of compensation comes to Rs.3,60,000/- i.e. Rs.2000/- x 12 x 14 = Rs.3,60,000/-. In the original claim petition the claimants have claimed Rs.3,00,000/- and they do not want any more amount. The tribunal awarded Rs.1,80,000/-. Therefore, the appeal is required to be allowed partly. The claimants will be entitled for Rs.3,00,000/- i.e. by addition Rs.1,20,000/- with interest thereupon. Hence the order :-

:ORDER:

The appeal is partly allowed.

The respondent to pay Rs.1,20,000/- more to the claimants with interest thereupon at the rate of 9% from the date of the application till payment.

No order as to costs.

[D.G.DESHPANDE]

28/02/2005 JUDGE.